

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

PRICE TRUCKING CORP.,

Plaintiff,

v.

ORDER
09-CV990

NORAMPAC INDUSTRIES, INC.,

Defendant.

This case was referred to Magistrate Judge Hugh B. Scott, pursuant to 28 U.S.C. § 636(b)(1). On March 31, 2010, plaintiff filed a motion for partial summary judgment. On April 1, 2010, defendant filed a motion for summary judgment. On June 17, 2010, Magistrate Judge Scott filed a Report and Recommendation, recommending that plaintiff's motion for partial summary judgment be granted and defendant's motion for summary judgment be denied.

Defendant filed objections to the Report and Recommendation and plaintiff filed a response thereto. Oral argument on the objections was held on February 11, 2011.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument

from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Scott's Report and Recommendation, plaintiff's motion for partial summary judgment as to liability is granted and defendant's motion for summary judgment is denied. The parties shall appear in Court on March 4, 2011 at 9:00 a.m. for a meeting to set a trial date on the issue of damages.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: February 25, 2011